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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

No. 633

CANDIS O. RAY, t/a CANDIS O. RAY AGENCY,
Petitioner,

v.

KANSAS CITY STOCKYARDS COMPANY OF MAINE,
A CORP., t/a GOLDEN OX RESTAURANT, ET AL,

and

RUTH G. GRAZE,
Respondents.

REPLY BRIEF OF PETITIONER FOR WRIT OF CERTIORARI

CANDIS O. RAY
Pro se
2700 Connecticut Avenue, N.W.
Washington, D. C. 20008

IN THE

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KANSAS CITY STOCKYARDS COMPANY OF MAINE, A CORP., t/a GOLDEN OX RESTAURANT, ET AL,

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Petitioner submits the following in reply to respondent Ruth G. Graze's Brief in Opposition To Petition For Writ of Certiorari filed by counsel Jack H. Olender on December 18, 1970.

JURISDICTION

A. Respondent wrongly states that petitioner "seeks review" against J. Gregory Aires, t/a Aires Publishing Company and the Impact Advertising Agency, the two remaining party defendants represented by counsel Jack H. Olender in Case No. 23,789.

B. Petitioner made clear in her brief that the partial settlement of case No. 23,789 on petition for review herein involves the respondents Kansas City Stockyards Company of Maine and the National Broadcasting Company, clients of attorney Hans A. Nathan, and the connecting and resulting slander suit instituted by attorney Jack H. Olender for Ruth G. Graze, Case No. 20,444, and the fraud adduced.

STATUTES

28 USCA does not lie herein. Evidenced fraud vitiates the time statute.

STATEMENT OF THE CASE

Counsel Hans A. Nathan for respondents Kansas City Stockyards Company of Maine and the National Broadcasting Company has failed to comply with this Court's order to file answer herein by date of December 18, 1970 (APP. A).

Respondent Ruth Graze's counsel Jack H. Olender refers to the Grievance Committee letter addressed to petitioner on June 17 1968 (p. 5). Petitioner directs attention to Appendices B through F appended hereto. After petitioner received the referred to letter from the Grievance Committee dated June 17, 1968 she requested review of the file by the Honorable Edward M. Curran, Chief Judge of the U. S. District Court for the District of Columbia Circuit, whereupon after reviewing same, Judge Curran ordered that a Grievance Committee hearing be held against the named attorneys (APP. B). The hearing is being postponed until after the case is tried.

To petitioner's knowledge the U. S. Attorney General's Office located in the U. S. District Courthouse (D. C.) has not yet made investigations into the matter and taken no action, yet verified proof of perjury by

filed extrinsic affidavits, fraud and collusion were filed with the Attorney General's office in this matter.

Respondent Ruth Graze's attorney Jack Olender states that petitioner's fraud charge is against the "Judges" (pages: Index i, 3 & 7) whereas petitioner has not alleged fraud and collusion against the "Judges" anywhere in her filings. She is appealing the court's rulings for review. That is not a charge of collusion or fraud.

The depositions taken in the Infringement of Copyright suit, Case No. 23,789, reveal there is no substance in fact to the countersuits therein which were filed on the same premise and for the same reason as the connecting slander suit.

Respondent Ruth Graze's counsel Jack Olender states wrongly that petitioner's allegations of the fraud centers around the Charles F. Snyder deposition in case No. 23,789 (APP. F-I) whereas he knows that the conspiracy and the fraud between and among himself and the other attorneys of record also involves his client Ruth Graze's slander suit, case No. 20,444.

Respondent Ruth Graze's counsel evades answering specific charges and to further divert attention employs unnecessary and juvenile innuendoes against petitioner (p. 6) by suggesting an inquiry as to why petitioner has not "filed complaints with the Grievance Committee" against her counsel, the Mark Friedlanders, in the slander suit which Olender instituted for his client Ruth Graze. Petitioner has no reason nor cause to file a complaint against her counsel, the Washington, D. C. law firm Friedlander and Friedlander.

Because of the aforesaid, and the persecution inflicted upon petitioner by the attorneys of record herein, petitioner respectfully requests that the record be examined, and the named attorneys be removed from the Infringement of Copyright suit, No. 23,789 in the U. S. Court of Appeals (D. C.) No. 187-65 in the U. S. District Court

(D. C.) so that she may have a fair and impartial trial, and all costs herein assessed to respondents and the attorneys of record.

Respectfully submitted,

CANDIS O. RAY
Pro se
2700 Connecticut Avenue, N.W.
Washington, D. C. 20008

December 23, 1970

APPENDIX A

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
Washington, D. C. 20543

November 18, 1970

Jack H. Olender, Esq.
701 Barr Building
Washington, D. C.

Re: RAY v. KANSAS CITY STOCKYARDS COMPANY OF MAINE, ETC., ET AL.
No. 633, October Term, 1970

Dear Mr. Olender:

Although you waived the right to file a brief in opposition to the petition for a writ of certiorari in the above-entitled case, the Court has instructed this office to direct counsel for the respondents to file such a response.

Forty printed copies of the response, together with proof of service thereof, should reach this office on or before December 18, 1970.

Very truly yours,

E. ROBERT SEAVER, Clerk

By /s/ E. P. Cullinan
E. P. Cullinan
Chief Deputy

jmh

cc: Hans A. Nathan, Esq.
Candis O. Ray, Esq.

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Washington 20001

Edward M. Curran
Chief Judge

August 8, 1968

Miss Candis O. Ray
Candis O. Ray and Associates
1545 Eighteenth Street, N. W.
Washington, D. C. 20036

Dear Miss Ray:

This will acknowledge receipt of your letter of June 19, 1968, in which you complain of an alleged fraud and perjury committed by James S. Gardiner, Hans A. Nathan and Jack H. Olender, all members of the Bar of this court.

I have referred the matter back to the Committee on Admissions and Grievances with the suggestion that they accord you a hearing. You will hear from them in the near future.

Very truly yours,

/s/ Edward M. Curran

EMC:WM

APPENDIX C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
COMMITTEE ON ADMISSIONS AND GRIEVANCES
Room 6409 United States Court House
Washington, D. C. 20001

Ralph A. Curtin
Secretary and Treasurer

STerling 3-5700
Ext. 513 or 514

August 9, 1968

Miss Candis O. Ray
Candis O. Ray and Associates
1545 18th Street, N.W.
Washington, D. C. 20036

Dear Miss Ray:

In accordance with the suggestion of the Court, the Committee will set for hearing the matter of the complaint filed by you against attorneys James S. Gardener, Hans A. Nathan and Jack H. Olender.

Because, the Committee is advised, Mr. Nathan is presently absent from the city and will not return until after Labor Day, a definite date will be fixed later. You will, of course, be given due notice.

Yours very truly,

/s/ Ralph A. Curtin
Secretary

APPENDIX D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
COMMITTEE ON ADMISSIONS AND GRIEVANCES
Room 6409 United States Court House
Washington, D. C. 20001

Ralph A. Curtin
Secretary and Treasurer

STerling 3-5700
Ext. 513 or 514

January 9, 1969

Miss Candis O. Ray
The Carnegie House
100 W. 57th Street
New York, N.Y. 10019

Dear Miss Ray:

The Grievance Subcommittee has set for hearing on Tuesday, January 28th next, the matter of the complaints filed by you against attorneys James S. Gardiner, Hans A. Nathan and Jack H. Olender.

The hearing will be held in the office of this Committee, above address, and it is requested that you appear at 10:00 o'clock, A.M. You may bring with you any witnesses and documentary proof you may deem material and may, of course, be represented by counsel, if you so desire.

Of course, notices of the hearing have also been sent to the respondents, and we will cause subpoenas to be issued to A. Philip Towsner, Esq. and to John Gibson Semmes, Esq., as requested. A grievance hearing, however, is not a criminal matter and the Committee is with-

out authority to cause a subpoena to be issued to Mr. Snyder in Texas.

Yours very truly,

/s/ Ralph A. Curtin
Secretary

Certified Mail
Return Receipt Requested

CC: Regular mail

APPENDIX E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
COMMITTEE ON ADMISSIONS AND GRIEVANCES
Room 6409 United States Court House
Washington, D. C. 20001

Ralph A. Curtin
Secretary and Treasurer

STerling 3-5700
Ext. 513 or 514

January 16, 1969

Miss Candis O. Ray
Public Relations
127 East 59th Street
New York, N.Y. 10022

Re: Candis O. Ray
v.
James S. Gardiner
Hans A. Nathan
Jack H. Olender

Dear Miss Ray:

Receipt is acknowledged of your letters of January 11th and January 14th, concerning the above-captioned matter.

In view of your advice that this matter has been reported to the United States Attorney here, and that investigation of your charges is under way to include others than the attorneys involved, the Committee has determined, as suggested by you, to continue the hearing set for January 28th until some later date.

The respondents and Messrs. Semmes and Towsner have been advised that the hearing has been continued.

Yours very truly,

/s/ Ralph A. Curtin
Secretary

APPENDIX F

LAW OFFICES OF
TRAMMELL, RAND & NATHAN
Suite 308
1730 K Street, N. W.
Washington, D. C. 20006

March 17, 1965

James S. Gardiner, Esq.
National Press Building
Washington, D. C. 20004

Re: Candis O. Ray v. Kansas City Stockyards, et al.

Dear Jim:

I acknowledge receipt of your Notice of Deposition of Mr. Snyder set for March 25, at 4 p.m. I regret to say that I shall be out of the country next week and probably won't return until the first week in April. Under the circumstances, I would greatly appreciate it if you could postpone the deposition of Mr. Snyder until Tuesday, April 6, at 4 p.m., or, if that date is not convenient, to a date subsequent to April 6.

I am notifying all persons concerned, including the reporter, of this request, and hope that you will see your way clear to make the change.

Sincerely yours,

/s/ Hans A. Nathan
Hans A. Nathan

HAN/hgk

APPENDIX G

LAW OFFICES OF
TRAMMELL, RAND & NATHAN
Suite 308
1730 K Street, N. W.
Washington, D. C. 20006

March 18, 1965

James S. Gardiner, Esq.
National Press Building
Washington, D. C. 20004

Re: Candis O. Ray v. Kansas City Stockyards, et al.

Dear Jim:

This will confirm our telephone conversation of today during which you kindly agreed to continue the deposition of Mr. Snyder to Monday, April 5, at 4 p.m.

Sincerely yours,

/s/ Hans A. Nathan k
Hans A. Nathan

HAN/hgk

APPENDIX H

April 5, 1965

Hans A. Nathan, Esquire
1720 K Street, N. W.
Washington, D. C.

Re: Candis O. Ray v.
Kansas City Stock Yards Company of Maine, et al.

Dear Mr. Nathan:

Pursuant to our phone conversation, this date, wherein you requested continuance of the deposition of Charles Snyder, it was agreed that the deposition is rescheduled for April 14th at 4:00 p.m. in my office.

I will forward to you the bill of Friedli, Wolff and Pastore.

Very truly yours,

JAMES S. GARDINER

JSG:ssl

cc: Jack H. Olender, Esquire
701 Barr Building
Washington, D. C.

Friedli, Wolff, and Pastore
805 G Street, N. W.
Washington, D. C.

APPENDIX I

April 12, 1965

Jack H. Olender, Esquire
701 Barr Building
Washington, D. C.

Re: Candis O. Ray vs. Kansas City
Stock Yards Company of Maine.

Dear Mr. Olender:

This is to acknowledge receipt of your letter dated April 9th concerning a continuance of the deposition scheduled for April 14th at 4:00 p.m. I have consulted my client, who advises me that her schedule will not permit a continuance of the deposition. Also, my schedule conflicts with yours.

I am sorry that we can not accommodate you on this matter, but if I have had known of the situation on April 5th, I could have made other arrangements.

Very truly yours,

/s/
JAMES S. GARDINER

JSG:ssl

cc: Hans A. Nathan, Esquire
1730 K Street, N. W.
Washington, D. C.

Miss Candis O. Ray
1500 Massachusetts Avenue, N. W.
Washington, D. C.